

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES B. SECREST,

Plaintiff,

v.

**COMMISSIONER OF
SOCIAL SECURITY,**

Defendant.

**Case No. 2:16-cv-113
CHIEF JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson**

ORDER

This matter is before the Court on the parties' Joint Motion for Relief from Judgment Pursuant to Federal Rule of Civil Procedure 60(b) [ECF No. 33]. The parties request that the Court grant relief from its judgment and enter a new judgment reversing the Commissioner of Social Security's final decision and remanding the case for further administrative proceedings. (Joint Mot. at 2 [ECF No. 33].)

On February 8, 2016, Plaintiff James B. Secrest brought this action under 42 U.S.C. § 405(g), seeking review of the Commissioner's final decision. (*See* Compl. at 1 [ECF No. 4].) The Court entered final judgment in the Commissioner's favor on March 27, 2017. (J. in a Civil Case at 1 [ECF No. 22].) Plaintiff subsequently appealed the Court's decision. (Notice of Appeal at 1 [ECF No. 23].) Before the Sixth Circuit decided the appeal, however, the parties notified this Court that, upon further consideration, they had agreed that the case should be remanded for further administrative proceedings. (*See* Unopposed Mot. for Indicative Ruling at 2 [ECF No. 28].) Consequently, the parties moved the Court for an indicative ruling under Federal Rule of Civil Procedure 62.1(a)(3); the Court granted the motion, indicating that it would grant the parties' joint motion for relief from judgment upon remand from the court of appeals. (Joint Mot.

at 2.) In light of the indicative ruling, the Sixth Circuit granted the parties' motion to dismiss the appeal and remand the case to this Court. (Oct. 3, 2017 Order at 3 [ECF No. 32].)

Under Rule 60, the Court "may relieve a party or its legal representative from a final judgment, order, or proceeding" for any reason that justifies relief. Fed. R. Civ. P. 60(b)(6). Given the parties' agreement, and in accordance with the indicative ruling [ECF Nos. 29, 31] in this matter, the Court **GRANTS** the parties' Joint Motion for Relief from Judgment Pursuant to Federal Rule of Civil Procedure 60(b) [ECF No. 33]. The Commissioner's final decision is **REVERSED**, and this case is **REMANDED** for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). Upon remand, the administrative law judge will (i) reevaluate the evidence and give an explanation as to whether Plaintiff's impairments met or equaled Listings 1.02 and 1.03; (ii) reconsider the medical opinions of Drs. Brown and Ray; (iii) reassess Plaintiff's credibility in accordance with Social Security Ruling 16-3p; (iv) reassess Plaintiff's residual functional capacity; and (v) offer Plaintiff a new administrative hearing and, if warranted, obtain supplemental evidence from a vocational expert at step five.

IT IS SO ORDERED.

10-14-2017

DATE


EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE